REMARKS

Claims 1, 2, 18, 19, 25, and 30 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,644,765 by Shimura et al.

As disclosed in the application, two images are determined to be duplicate images if their time of capture is within a certain range and if they have substantially the same content, which is computed from an indication of image content for each image.

Method claims 1 and 2 (and corresponding computer program product claims 18 and 19) and method claims 25 and 30 stand rejected as being anticipated by Shimura et al. As mentioned above, time of capture is crucial to the evaluation of duplicates, i.e., the further apart the time of capture the less likely are they to be duplicates. Yet, and contrary to the Examiner's suggestions in several places, there is no mention of time in relation to the images of Shimura et al, and in particular no mention of time of capture in relation to such images ("time" appears once in Shimura et al in col. 4, line 41 – in reference to reading one feature at a time, which obviously has nothing to do with the invention). As the Examiner mentions, there is reference to "date of registration" (col. 4, line 5 of Shimura et al), but this clearly refers to the date the image is registered with the disclosed retrieval system shown in Figure 1. It has nothing to do with the time of capture. Moreover, one of ordinary skill in the art would not look to substitute "time of capture" for "date of registration", in part because there is nothing in the disclosed retrieval system that would suggest retrieving an (undisclosed) "time of capture" and nothing that would indicate that it would be interchangeable with "date of registration".

In responding to Applicants' amendments and arguments, the Examiner notes that when an image is input in Shimura's system, additional information regarding the image is stored along with it. This additional information is the "date". The Examiner further states "... "The date" and "date of registration" appear to refer to the day the image was captured (registered) by an input device (i.e. a scanner or the like). Inputting the image involves scanning an object or illustration to create (i.e. "capture") the image in electronic form....Thus, Shimura's "date" and "date of registration" refer to the date on which an image is captured for input into the database." Clearly, this understanding of date has nothing to do with the "date" of original capture by a

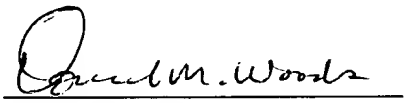
camera. The "date" one image is input into a database would tell nothing about its relationship to another image input into the database on the same "date".

In order to further clarify the invention, the independent claims 1 and 18 have been amended to recite the step of "providing at least two images of an original scene captured at determinable times by a photographic camera, where the camera records a time of camera capture of the original scene ". Independent claim 25 has been amended to recite the step of "providing at least two images originally captured by a photographic camera at determinable times from original scenes". Shimura fails to teach or suggest any reference to capturing the times that original scenes are captured by a photographic camera.

It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc. 231USPQ 81, 90 (Fed. Cir. 1986).* Anticipation under 35 U.S.C. Section 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Rockwell International Corp. v. United States 47USPQ2d 1027, 1031 (Fed Cir. 1998).* The foregoing remarks indicate that each rejected claim includes one or more claimed elements that are not to be found or suggested by the Shimura et al reference. For anticipation to be found, all of the claimed elements must be found in Shimura et al. Since that is not the case with respect to each and every one of the claims 1 – 7 and 18 – 30, the Examiner is respectfully asked to withdraw the rejection of these claims under 35 U.S.C. 102(b) and to consider allowance of the claims. Furthermore, dependent claims 2 – 7, 19 – 24 and 26 - 30 are therefore believed to be allowable in view of the arguments expressed above in relation to their parent claims 1, 18 and 25, respectively.

Applicants respectfully request reconsideration of claims 1 – 7 and 18 – 30 in view of these remarks and arguments, which applicants believe make a reasonable case for patentability of the claims.

Respectfully submitted,



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